

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TAMMY KOHR, EUGENE STROMAN, and
JANELLE GIBBS, on behalf of themselves and all
others similarly situated, and ROBERT COLTON,

Plaintiffs,

v.

CITY OF HOUSTON,

Defendant.

Civil Action No. 17-cv-1473

NOTICE OF JOINT SCHEDULING PROPOSAL

The parties agree to hold a preliminary injunction hearing on October 31, 2017. The parties previously agreed to a hearing allotting thirty minutes of oral argument per side (ECF No. 40). However, the City now proposes calling the following live witnesses to offer testimony on the following topics:

- Marc Eichenbaum will testify that the City has worked with local shelters to ensure that there is shelter space for any homeless person who agrees to go, as part of the ordinance. Mr. Eichenbaum will also discuss the Mayor's Office for Homeless Initiatives plans for increasing even more shelters spaces to the Homeless.
- Sgt. Steve Wick will testify about the work of the Homeless Outreach Team and the outreach that they conduct to get homeless individuals into shelter and store these individual's property for safe keeping. Furthermore, he will discuss health conditions and crime at the encampments after the injunction. Finally, he will testify that the homeless

individuals he encounters routinely refuse to go to shelters, even when HPD offers shelter space to them.

- David Persse, MD, FACEP, FAEMS, on the conditions of the camps that required the City to abate the health conditions at the encampments, as found in the two abatement orders issued to the City. He will further testify that the sanitary conditions at the encampments have impacted not only the encampments, but the surrounding area, specifically the health danger from urine, feces that is posed to the City by these conditions.
- Mayor Sylvester Turner will discuss the encampments deprive the public from use of public space. He will also testify to the City's ongoing efforts to find more shelters for the homeless. Finally, he will testify that since the injunction, there have been more tents going up in the City and encroaching on private property.

Plaintiffs agree to live testimony without prior deposition of these witnesses so long as the witnesses' testimony is confined to the scope described above. Plaintiffs also request a brief break to prepare before cross examination of each witness. The parties agree to file all exhibits and supplementary evidence by October 25, 2017, before the hearing, and to submit proposed findings of fact within two weeks after the hearing.

The parties also agree to extend the deadline to respond to the City's motion to dismiss to two weeks after the date of the hearing, and defer the initial pretrial conference until after the Court rules on Plaintiffs' application for a preliminary injunction.

Respectfully Submitted,

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